

148

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 9/30/2000, OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number  
(Optional)  
0942.2800008

In re Application of: CHATTERJEE

Application No.: 09/229,173

Filed: January 13, 1999

For: Cloned DNA Polymerases From *Thermotoga maritima* and Mutants Thereof

The owner\*, Life Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,948,614. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

Alan Hammond  
Signature

8/15/2000  
Date

Alan Hammond

Typed or printed name



Terminal disclaimer fee under 37 CFR 1.20(d) Included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

08/18/2000 GTEFFERA 00000010 09229173

02 FC:148

110.00 OP

Certificate Under 37 C.F.R. § 3.73(b)



Applicant(s): Deb K. Chatterjee

Application No: 08/706,702 Filed: September 6, 1996

For: Cloned DNA Polymerases From *Thermotoga maritima* and Mutants Thereof

Life Technologies, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An Assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

[or]

B. ☐ A chain of title from the inventor(s) of the patent application identified above to the current assignee as shown below:

1. From:                      To:                       
The document was recorded in the Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

2. From:                      To:                       
The document was recorded in the Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

3. From:                      To:                       
The document was recorded in the Patent and Trademark Office at Reel       , Frame       , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

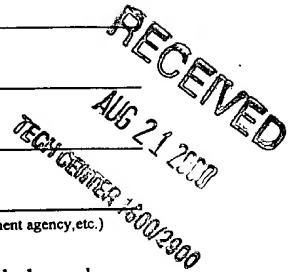
I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 10/4/96

Name: Alan W. Hammond

Title: Intellectual Property Attorney

Signature: Alan W. Hammond



## ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Deb K. Chatterjee, the undersigned hereby sell(s) and assign(s) to Life Technologies, Inc. (the Assignee) his entire right, title and interest

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),  
☒ and throughout the world,

in the invention(s) known as Cloned DNA Polymerase From *Thermotoga maritima* and Mutants Thereof for which application(s) for patent in the United States of America has (have) been executed by the undersigned on X 10/4/96 (also known as United States Application No. 08/706,702, filed September 6, 1996), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations of such applications or Letters Patent(s) and divisional and continuation applications thereof, to the full end of the term or terms for which such Letters Patent(s) issue, such entire right, title and interest to be held and enjoyed by the above-named Assignee to the same extent as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agrees to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

The undersigned agrees to execute all papers necessary in connection with any interference that may be declared concerning the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby represents that the undersigned has full right to convey the entire interest herein assigned, and that the undersigned has not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grants Robert Greene Sterne, Esquire, Registration No. 28,912, Edward J. Kessler, Esquire, Registration No. 25,688, Jorge A. Goldstein, Esquire, Registration No. 29,021, Samuel L. Fox, Esquire, Registration No. 30,353, David K.S. Cornwell, Esquire, Registration No. 31,944, Robert W. Esmond, Esquire, Registration No. 32,893, Tracy-Gene G. Durkin, Esquire, Registration No. 32,831, Michele A. Cimbala, Esquire, Registration No. 33,851, Michael B. Ray, Esquire, Registration No. 33,997 and Robert E. Sokohl, Esquire, Registration No. 36,013, of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date opposite his name.

Date: X 10/4/96

Signature of Inventor: Deb K. Chatterjee

Deb K. Chatterjee